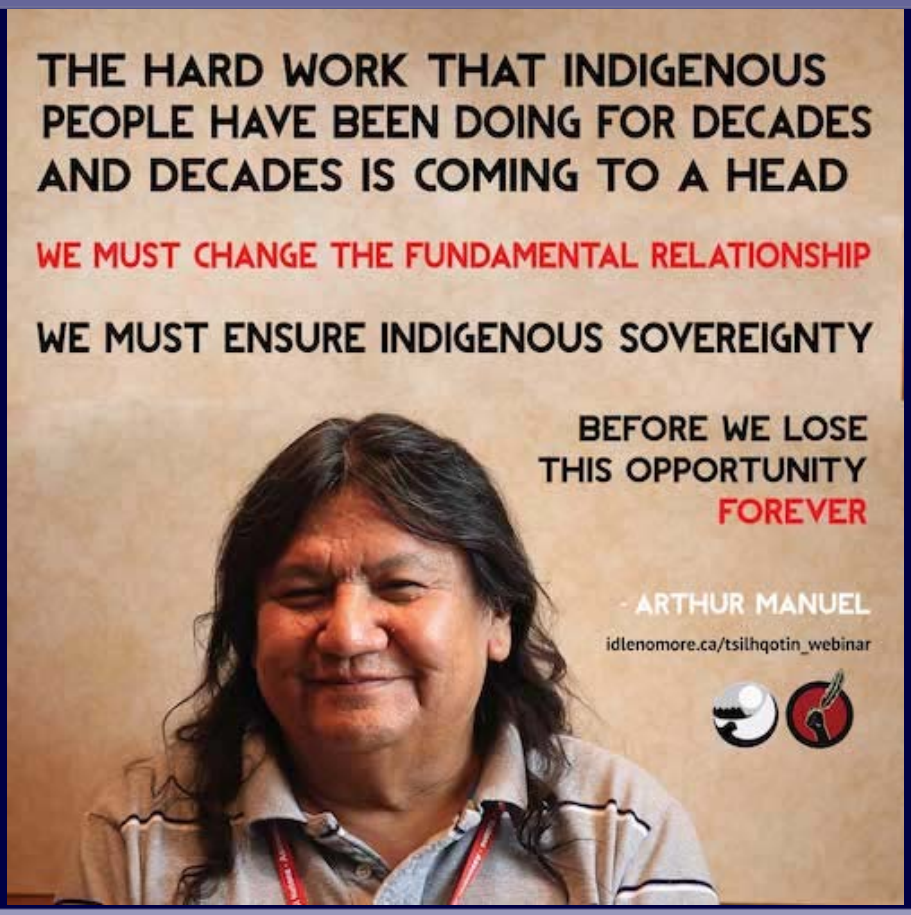
PUTTING OUR OWN HOUSE IN ORDER!

Restoring Our Sovereignty From Indian Act Band Councils
Self-Determination Belongs to Our People's



UNDRIP Article 18:

Right to Self-Representation
Bringing Back the People's Voices in Decision-Making In Communities & Nations

A TRUTH BEFORE RECONCILIATION PUBLICATION—Campaign 2020

KEY ISSUES: INDIGENOUS TERRITORIES, COLONIAL DOCTRINES & THE MYTH OF CROWN TITLE

⇒ Indigenous Nations have since the beginning of time lived and will continue to live on our Great Turtle Island (North America) forever. We are free and independent nations with our own governance and laws.

⇒ We, as Indigenous First Nation Peoples, have a birthright and responsibilities for all of Creation. We are the land, without the land, people are dying. We have a spiritual connection to the land and water and our way of life, our culture, our languages are rooted in the land. Water is not a resource but a spirit Creator has gifted us. It's a gift for life. Canada continues to deny us our birthright and our responsibility.

⇒ In Canada's recently released 10 principles on Indigenous relationships, Canada relies on the colonial doctrines of discovery, claiming that they obtained underlying title to the land at the declaration of British Crown sovereignty. The Canadian state's development and implementation of its racist construct of our territories and resources vesting in the Crown is a continuation of racism and racial discrimination against our Nations leading to a denial of our rights in our territories.

⇒ Canada is a settler colonial state, the assertion of sovereignty by the British Crown remains based on the colonial doctrines of discovery, which have been rejected by the International Court of Justice and various UN human rights bodies as violating international law; and as racist. Canada's claim to sovereignty and underlying title is based on the doctrines of discovery as enshrined in the Inter Caetera and related Papal Bulls, which have to be repealed. This has been confirmed by UN Committee on the Elimination Racial Discrimination when they called on the Holy See to engage in a meaningful dialogue with Indigenous Peoples on the issue.

An amazing artistic update/remake of the Harold Cardinal's book cover "The Unjust Society" by Mary McPherson titled "Reconcile What?"

PUTTING OUR OWN HOUSE IN ORDER!

Introduction

We are a voluntary Public Education and Advocacy Network called **Truth Before Reconciliation**. Our Network involves citizens of Indigenous Nations who are concerned about the future of Indigenous Nations and Societies.

This booklet was prepared to help provide information and advice on how to bring the People's voices back into community decision-making and away from the **Indian Act** Band Council system on our own terms not the federal government's.

Since forming the federal government in 2015, the Trudeau Liberals have operated by stealth and deception to rebrand the longstanding federal goal of Terminating our pre-existing collective, sovereign, Inherent, Aboriginal & historic Treaty Rights, into a "new" diminished pan-Indigenous-Crown Relationship

KEY ISSUES: INDIGENOUS TERRITORIES, COLONIAL DOCTRINES & THE MYTH OF CROWN TITLE

⇒ Canada is not only trying to domesticate Indigenous Peoples, but also international law. Canadian federal Minister of Indian Affairs and Northern Development, Carolyn Bennett, at the UN in May 2016 pretended to "*announce on behalf of Canada that we are now a full supporter of the Declaration without qualification*." Minister Bennett immediately contradicted this in the next sentence by qualifying that: "*We intend nothing less than to adopt and implement the declaration in accordance with the Canadian Constitution*." This clearly is a qualification, which goes back to the Constitution Act 1867. It further tries to qualify and subjugate international law to lesser national standards.

⇒ This is in violation of international law: national laws and policies should only be passed if they conform with international law and not vice versa.

⇒ In 2012, Canada was asked by UN Committee on Elimination of Racial Discrimination to produce a document or documents to show that Canada had underlying title to the lands and resources of the Indigenous Nations which are presently in the state of Canada. No Peace and Friendship Treaties or any other document ever gave title to the British Crown. Indigenous Nations across Canada maintain their inherent land rights and underlying title to the land.

though a National "Reconciliation" process! The Trudeau government has co-opted our terminology!

Federal changes to policy, legislation and structure have happened in secret in collaboration with the Assembly of First Nations and a majority of Band Councils who are at federal discussion and negotiation tables and have lost control of our rights agenda to the Trudeau government.

AFN and a majority of **Indian Act Band Councils** have also failed to provide critical analysis of the federal changes, which will impact our First Nation Communities for generations to come!

We have seen rhetorical statements from this government in support of Indigenous rights and protecting the environment, but when it comes to action, it has done completely the opposite. The AFN and a majority of Band Councils have completely lost control of the agenda by allowing the Trudeau government to define our rights and Nationhood through its land claims, self-government and fiscal policies, which effectively reduces us to the status of ethnic municipalities, while seeking to convert our reserve lands into private property and endangering our internationally recognized right of self-determination as Indigenous Peoples.

The time is now for Indigenous First Nation Peoples—as the legitimate rights holders—to get organized and exercise our own decision-making powers with Free, Prior Informed Consent.

The legitimate rights holders, the people, will make decisions through our governance systems - families/clans, communities and as nations. Collectively, we will be directing leadership as international self-determining peoples on our issues!

INDIGENOUS DATA SOVEREIGNTY & GOVERNANCE

"Indigenous Data Sovereignty (IDS) and Indigenous Data Governance (IDG) are terms increasingly being used across community, research, policy and in practice."

"At the heart of IDS and IDG is the right of Indigenous peoples and nations to decide what data development occurs and the controls over the collection, governance, ownership, and application of data about their peoples, territories, lifeways and natural resources. IDS is grounded in Indigenous understandings of sovereignty that challenge dominant 'data sovereignty' discourse and current practice, and is supported by global human rights instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)."

"Data governance is the power and authority over the design, ownership, access to and use of data. The governance of data has emerged as a highly contested area of debate between Indigenous peoples and the states within which they reside. For Indigenous peoples, whose traditional modes of governance were disrupted by western modes of democratic governance, re-asserting themselves through self-determined governance structures is critical."

Planning for Nationhood—An Indigenous Checklist: Assessing History, Language, Culture and Indigenous Law

Please take time to read the following Indigenous Nationhood Checklist carefully. Those Indigenous communities and Nations that follow the Checklist will have a far better chance of surviving as distinct, organized Indigenous societies and Nations. Those that do not will likely become 4th level ethnic municipalities as Indigenous-Canadians and will eventual disappear as distinct people, regardless of which federal political party wins the next federal election—or the election after that!

Indigenous Nationhood Checklist

First, you must know your First Nation history, language, culture, customs, practices, laws and the treatment of your peoples by successive Crown governments (both oral & archival) and your connection to your territory, lands & resources. It is important to show evidence when exercising rights and/or responding to challenges from Crown governments/Industry regarding their current or planned projects/activities on your traditional lands.[1]

Next, you must estimate the value of resources taken out of Aboriginal Title/Historic Treaty lands annually (ie., timber, minerals, hydro, fish & wildlife, etc.).[2] Assess National, Provincial and Corporate accounting practises, assess the impact the reality Aboriginal Title/Treaty Rights have on the balance books of major resource extraction companies. The existence of Aboriginal Title/Treaty Rights as a legal interest stands to affect corporate security of tenure, supply, stock valuation, cost of borrowing, etc. Also identify issues Re: World Trade Organization/North American Free Trade Agreement rules & hidden subsidies/unfair completion, etc.

Assess your community or nation's Negotiation/Litigation Readiness/Support - 1) Its knowledge of Canadian constitutional & inter-National legal/policy frameworks of Indigenous, Aboriginal, Treaty & Human Rights and legal counsel, 2) does it have an information database (historical & resource management) to draw from during negotiations 3) does it have access to an interdisciplinary team of

INDIGENOUS DATA SOVEREIGNTY & GOVERNANCE

Defining Indigenous Data Sovereignty

"'Data sovereignty' is the management of information in a way that aligns with the laws, practices and customs of a nation-state in which it is located. In the Indigenous context this may manifest at the group [Community, Nation] levels."

Historical context of Data Sovereignty

"Indigenous peoples have always been data collectors and protectors. Data gathering and preservation existed in most, if not all, Indigenous cultures in the form of art and pictorial calendars...chants, songs, the recitation of genealogies and other cultural practices that have been passed on across generations. With colonisation these practices were disrupted (and often heavily censured), but not extinguished. In many contexts, the census was an indispensable tool of colonisation; indeed, the census has long been tied to the exercise of power and statecraft."

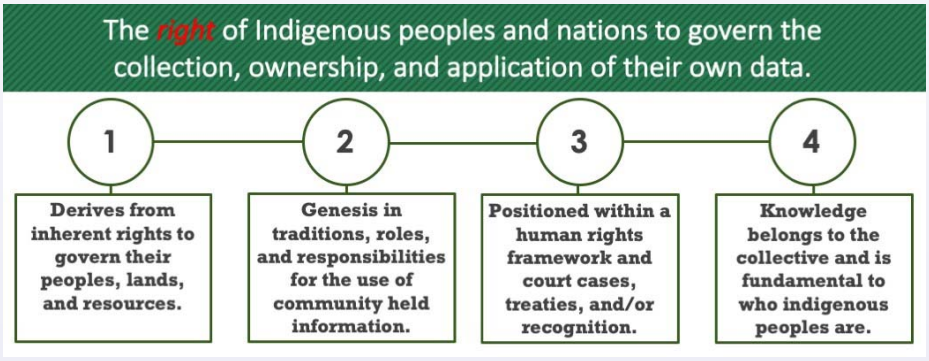
"The one who is in control of making maps controls the story of place. Governments put lines on maps to articulate boundaries of control and jurisdiction; companies put lines on maps to claim resources and tenure. Those who are not making maps are at risk of becoming invisible on paper. For over thirty years, Aboriginal communities across Canada have recognized the need to remain visible within this context and have been actively making maps of their own so information will be seen and understood from their viewpoints."

advisors (in-house or consultants) for Indigenous Leadership/ Peoples and 4) has it identified sources of sustained funding, 5) has it prepared litigation and/or international strategies as options.

Remember that the People's voices in decision-making, combined with essential information gathering through the Indigenous Nationhood Checklist—along with a plan to get restoration of land—is self-determination in action! So please ensure the checklist is followed by your own community and nation.

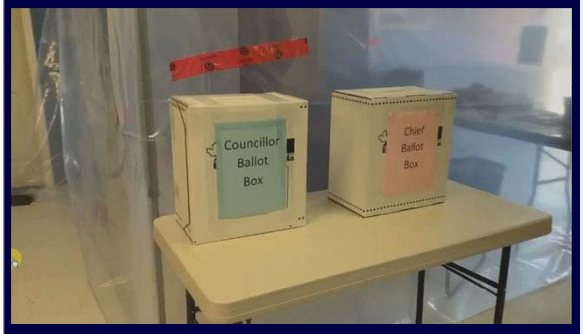
1. First Nations historical substantiation & documentation needs to be combined with contemporary land & resource management information; 1) Resource models & inventories, 2) Obstacles from legislative/regulatory/governance frameworks 3) List of third parties operating without consent on First Nations traditional territory, 4) Identification of alienated lands vs. less encumbered lands.

2. This also requires identifying criteria and providing parameters for reaching a value (or range of values) to Aboriginal Title/ Historic Treaty lands & resources in Canada.



KEY FEDERAL ASSIMILATION LAWS

- INDIAN ACT
- DEPARTMENT OF INDIGENOUS SERVICES ACT
- DEPARTMENT OF CROWN-INDIGENOUS RELATIONS & NORTHERN AFFAIS ACT
- INDIGENOUS LANGUAGES ACT
- INDIGENOUS CHILDREN, YOUTH & FAMILIES ACT
- FIRST NATIONS ELECTIONS ACT
- FIRST NATIONS LAND MANAGEMENT ACT
- FIRST NATIONS FISCAL MANAGEMENT ACT
- ADDITIONS-TO-RESERVE & CREATION OF NEW RESERVES ACT



Indian Act Remains the Foundation of Colonialism in Canada-By Russ Diabo

To understand where we are now, you have to have an understanding of the machinery of oppression in Canada that has remained depressingly familiar for more than 150 years.

From the pre-Confederation era until today, the Indian Act remains the foundation of Canadian colonization of Indigenous peoples. Although it has been amended numerous times since it was adopted in 1876, in the twenty-first century the Indian Act still maintains the main tenets of protection, control and civilization (meaning assimilation).

The Interpretation section 2.1 of the Indian Act provides key definitions of “Indians,” “band,” band list,” “council of the band,” “Indian moneys,” Indian Register,” “member of a band,” “reserve” and other terms used by Ottawa bureaucrats and politicians for colonial regulations and policy. Section 2.1 (c) authorizes the federal cabinet to create new “bands,” such as the Qalipu band recently created in Newfoundland.

The Indian Act was the original termination plan adopted by the Canadian Parliament over 144 years ago to break up Indigenous Nations into bands, setting Indian reserves apart, keeping a registry of Indians until assimilation is complete as individual “Indians within the meaning of the Indian Act” and “Indian bands” respectively become a collection of Canadian citizens living within municipalities without any legal distinctions from the general Canadian population. They would become “Indigenous-Canadians,” an ethnic group among others in the Canadian mosaic without any more rights of standing than Italian-Canadians or Ukrainian-Canadians.

INDIAN ACT DEFINITIONS

2 (1) In this Act, band means a body of Indians
(a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951,

(b) for whose use and benefit in common, moneys are held by Her Majesty, or

(c) declared by the Governor in Council to be a band for the purposes of this Act;

council of the band means
(a) in the case of a band to which section 74 applies, the council established pursuant to that section,

(b) in the case of a band that is named in the schedule to the First Nations Elections Act, the council elected or in office in accordance with that Act,

(c) in the case of a band whose name has been removed from the schedule to the First Nations Elections Act in accordance with section 42 of that Act, the council elected or in office in accordance with the community election code referred to in that section, or

(d) in the case of any other band, the council chosen according to the custom of the band, or, if there is no council, the chief of the band chosen according to the custom of the band;

Elimination of Indigenous Nations as distinct political and social entities was the ultimate objective of Indian Affairs policy. In a 1920 speech to a Special Committee of the House of Commons, Deputy Superintendent General Duncan Campbell Scott said bluntly:

"***I want to get rid of the Indian problem. I do not think as a matter of fact, that this country ought to continuously protect a class of people who are able to stand alone. . . Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department.***"

1969 White Paper on Indian Policy

In 1969, about a hundred years after the Indian Act was adopted, Liberal prime minister Pierre Trudeau and his minister of Indian Affairs, Jean Chrétien, believed assimilation of Indians had largely been completed and introduced a White Paper on Indian Policy to argue that special Indian rights were the problem and equality under the law was the solution. The 1969 White Paper proposed these policy objectives:

- Eliminate Indian status.
- Dissolve the Department of Indian Affairs within five years.
- Abolish the Indian Act and remove section 91.24 ("Indians and lands reserved for the Indians") in the BNA Act.
- Convert reserve land to private property that can be sold by the band or its members.
- Transfer responsibility for Indian Affairs from the federal government to the provinces and integrate these services into those provided to other Canadian citizens.
- Appoint a commissioner to gradually terminate existing treaties.

INDIAN ACT DEFINITIONS

Department means the Department of Indigenous Services; (ministère)

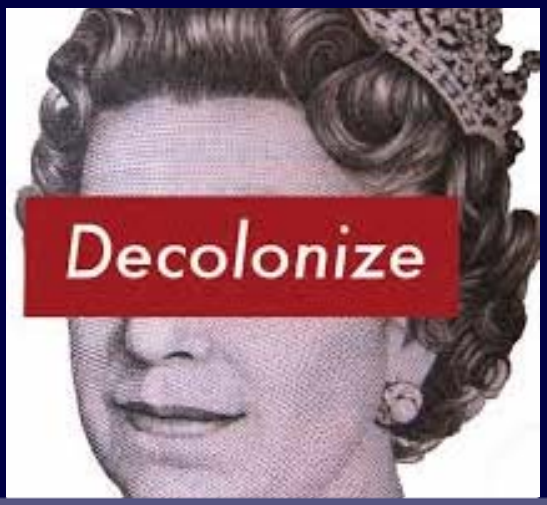
designated lands means a tract of land or any interest therein the legal title to which remains vested in Her Majesty and in which the band for whose use and benefit it was set apart as a reserve has, otherwise than absolutely, released or surrendered its rights or interests, whether before or after the coming into force of this definition;

member of a band means a person whose name appears on a Band List or who is entitled to have his name appear on a Band List;

reserve
(a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and

(b) except in subsection 18(2), sections 20 to 25, 28, 37, 38, 42, 44, 46, 48 to 51 and 58 to 60 and the regulations made under any of those provisions, includes designated lands;

Definition of band
(2) The expression band, with reference to a reserve or surrendered lands, means the band for whose use and benefit the reserve or the surrendered lands were set apart.



The White Paper provoked widespread protest by Indians and responses in position papers like the Indian Association of Alberta's Red Paper and the Manitoba Indian Brotherhood's Brown Paper.

The modern Indian rights movement to protect and advance Inherent, Aboriginal and Treaty Rights was born, and regional Indian political advocacy organizations formed across Canada under the umbrella of the National Indian Brotherhood, which in 1982 became the Assembly of First Nations.

As First Nations galvanized across Canada to fight the Pierre Trudeau Liberal government's proposed 1969 White Paper termination policy, the federal government was forced to consider a strategy on how to calm the Indian storm of protest by publicly agreeing to withdraw the proposal, while continuing to implement it through federal policy and programs.

In a memo dated April 1, 1970, David Munro, an assistant deputy minister of Indian Affairs on Indian Consultation and Negotiations, advised his political masters Jean Chrétien and Pierre Trudeau as follows:

"***We can still believe with just as much strength and sincerity that the [White Paper] policies we propose are the right ones . . . The final [White Paper] proposal, which is for the elimination of special status in legislation, must be relegated far into the future . . . We should put varying degrees of emphasis on its several components and we should try to discuss it in terms of its components rather than as a whole . . .We should adopt somewhat different tactics in relation to the [White Paper] policy, but . . . we should not depart from its essential content.***"

Among the post-1969 tactics the Indian Affairs bureaucracy adopted to control and manage Indians, in order to continue the federal off-loading and assimilation goals, was to increase program funding for housing, education, infrastructure, social and economic development, health, and so on to band councils. This funding was deliv-

ASSEMBLY OF FIRST NATIONS CHARTER

MEMBERSHIP
ARTICLE 4
All First Nations in Canada have the right to be Members of the Assembly of First Nations.

ORGANS
ARTICLE 5
1. There are established as principal organs of the Assembly of First Nations:
- **First Nations-in-Assembly;**
- **The Confederacy of Nations;**
- **The Executive Committee;**
- **The Secretariat (also known as the National Indian Brotherhood;**
- **The Council of Elders;**
- **The Council of Women; and**
- **The National Youth Council**

THE FIRST NATIONS-IN-ASSEMBLY COMPOSITION
ARTICLE 6
1. The First Nations-in-Assembly shall consist of all the Chiefs of those First Nations who exercise their right to be Members of the Assembly of First Nations.
2. Each First Nation shall have one representative in the First Nations-in-Assembly.
3. In the absence of a Chief of a First Nation, designated representatives, who are accredited officially in writing by a First Nation for that purpose, may participate in the First Nations-in-Assembly.

ered through federal funding agreements with strict terms and conditions for band councils and band staff to deliver essential programs and services primarily to on-reserve band members, goals and results designated by Ottawa. In other words, social engineering.

This transfer increased Indians' dependency on the federal transfer payments and ensured accountability to Ottawa bureaucrats, not community members, through a system of indirect rule by ban-councils. They are expected to manage local discontent with chronic underfunding and underdevelopment on-reserve.

Another tactic for control and management of Indians used by Ottawa bureaucrats and politicians was to change the terms and conditions for funding of Aboriginal Representative Organizations (AROs) into two-part funding: 1) basic core and 2) project funding. Project funding means that to really survive, AROs need to develop funding proposals to the federal government to act as consultative bodies for federal government policy/legislative initiatives.

This is how the Assembly of First Nations (AFN), a National Aboriginal Organization (NAO), is funded, and how all of the Provincial/Territorial Organizations (PTOs) are funded, which is why you rarely see the AFN National Chief, Regional Chiefs or PTO Leaders out at, or initiating, protests. From the band office, to regional First Nations organizations, to the AFN, Ottawa controls and manages the chiefs, leaders, and AFN National Chief and Executive through control of organizational funding.

The AFN uses Department of Indigenous and Northern Affairs (INAC) lists of chiefs recognized under the Indian Act as the official delegate list at AFN Chiefs' Assemblies. So, the circle is complete. The Indian Act empowers INAC to rule over Indigenous peoples. The Assembly of First Nations has to align its own policies and structure with the INAC objectives and operations in order to get the funding it needs to exist.

TRUTH BEFORE RECONCILIATION

The Truth Before Reconciliation Campaign is a core team of people who worked on Russ Diabo's 2018 campaign for the position of AFN National Chief and who are now a Network working on a campaign of public education and advocacy to get Crown governments and Canadian society to address "**Truth Before Reconciliation**" because we believe the Truth and Reconciliation Commission and its Calls to Action are not sufficient to address the colonization that First Nations have historically experienced and which continues today particularly under the colonial policies and legislation passed under the colonial **Constitution Act 1867** and the unilaterally imposed federal policies and legislation defining Inherent & Treaty Rights in section 35 of the **Constitution Act 1982**.

PRIME MINISTER TRUDEAU & AFN NATIONAL CHIEF BELLEGARDE SIGNING AGREEMENT

INAC then funds the AFN to carry out its program objectives and to administer the services it wants administered. And the grassroots Indigenous people are left powerless and voiceless within this closed system of governance.

[Reprinted from "Whose Land Is It Anyway? A Manual for Decolonization", Edited by Peter McFarlane and Nicole Schabus, Federation of Post-Secondary Educators of B.C., 2017]

Russell Diabo is one of the leading voices in the decolonial struggle in Canada. He was for many years a policy advisor with several First Nation governments in Quebec, British Columbia and also at the Assembly of First Nations. He is now an independent consultant providing advisory services and negotiations support where retained.

He is also editor and publisher of an online newsletter on First Nations political and legal issues, the ***First Nations Strategic Bulletin****.*

He is a member of the Mohawk Nation at Kahnawake, and spokesperson for the Truth Before Reconciliation Education and Advocacy Network and part of the Defenders of the Land Network.

FEDERAL GOVERNMENT'S SPECIAL WORDS AND TACTICS (SWAT)

A public relations firm, Continental/Golin/Harris, previously developed a "strategic communications strategy" for the federal government that the Trudeau government seems to be following. It is really only an euphemism for what would normally be called "propaganda". "Propaganda", classically defined, is the "spreading of ideas, concepts, information, rumours and/or allegations deliberately designed to further one's cause or to damage an opposing cause".

"The central objective of the communication component of this initiative would be to create consent among the widest possible audience of Canadians...for the government's position and its approach to negotiations. To achieve this objective we would recommend only one strategic approach...to control the information..."

"To ensure a primary media position for its pronouncements, the government must, at all times, control the dialogue. It must be seen as the primary information source, communicate clearly and concisely, and create the concepts that will best support the government philosophy. By being accessible, open and understandable in its communication, all opposing parties would be forced into a response position."

"We recommend the formation of a committee comprising two (Departmental) representatives, a member of the Minister's staff, two staff members (from the consulting company that prepared the paper), the local M.P.s or their representatives, and the negotiating team, appropriately entitled, SPECIAL WORDS AND TACTICS. " [emphasis added]

PRIME MINISTER JUSTIN TRUDEAU ANNOUNCES A PAN-INDIGENOUS APPROACH TO "RECONCILIATON" - December 15, 2016.

WHITE PAPER 2.0 = FEDERAL WEAPONIZATION OF RIGHTS "RECOGNITION"

On December 15, 2016, the current Trudeau's government announced a new, **two-track national policy approach** to Indigenous policy (First Nations, Metis, Inuit), focused both on addressing socio-economic issues in Indigenous communities and promoting fundamental changes to law and policy.

This **two-track approach** allowed Trudeau to begin massive changes to federal law and policy affecting all Indigenous Peoples, which included dissolving the **Department of Indian Affairs and Northern Development** and creating two new federal departments for processing **Indian Act** bands and band councils into a "new relationship" using what his government called "modern treaties" and "self-government".

These modern treaties use the **Comprehensive Land Claims Settlement Agreements** and **Self-government Agreements** as templates to terminate the pre-existing sovereignty of Indigenous Nations band-by-band. As a result they allow the federal government to convert **Indian Act** bands and band councils into **fourth-level ethnic governments**, completely stripping them of their sovereign rights as nations.

CANADA'S CORE OBJECTIVES IN MODERN AGREEMENTS

- **Getting consent to the surrender (de facto extinguishment) of Aboriginal Title;**
- **Getting consent on the legal release of Crown liability for past violations of Aboriginal Title & Rights;**
- **Getting consent to the elimination of Indian Reserves by accepting lands as private property (fee simple);**
- **Getting consent to removing on-reserve tax exemptions;**
- **Getting consent to respect existing Private Lands/Third Party Interests (and therefore alienation of Aboriginal Title territory without compensation).**
- **Getting consent to be assimilated into existing federal & provincial laws;**
- **Getting consent to application of Canadian Charter of Rights & Freedoms over governance & institutions in all matters (individual vs. collective rights);**
- **Getting consent to program funding on a formula basis being reduced and linked to own source revenue (taxation);**

This plan became clear in the summer of 2016 when at a public event in Toronto organized by The *Economist magazine* the interviewer asked Trudeau how his government was going to liberalize and deregulate interprovincial trade within Canada. Trudeau responded:

"*The way to get that done is not to sit there and impose, the way to have that done is to actually have a good working relationship with the Premiers, with municipal governments, with Indigenous leadership,* ***because Indigenous governments' are the fourth level of government in this country***." [emphasis added]

The current Trudeau government's pan-Indigenous (First Nations, Metis, Inuit) approach to policy and legislation is intended to finish what the **Indian Act** started. It is Canada's final solution in the Canadian colonization project of assimilating First Nations into Canadian Confedration!

We must not forget the **Indian Act** has been, and continues to be, an unjustified infringement on the Aboriginal & Treaty rights of the First Nations.

We have never consented to its application.

Amendments to the **Indian Act** have never seriously considered the wider issues:

- relationship between the **Indian Act** and Treaty & Aboriginal rights.
- relationship between s.91(24) authority and the Crown's trust, fiduciary and Treaty obligations.
- relationship between the **Indian Act**, s.91(24) authority, and the true inherent right of self-government and self-determination.

This remains the case today.

After the 1984 Guerin decision, which confirmed that Canada owes a legally enforceable fiduciary responsibility to the First Nations, Canada's response has been to limit its liabilities and discharge its

FEDERAL DEFINITION OF INHERENT RIGHT OF SELF-GOVERNMENT

INHERENT RIGHT POLICY 1995-2020

- **Federal government says it recognizes that s.35 includes the "inherent right of self-government"**
- **Federal government limits & restricts the nature & scope of the right through its policy**
- **Federal government wants to get First Nations consent to a narrow definition of rights**
- **Federal government requires provincial role & allows provincial veto**

CANADA'S DEFINITION OF "INHERENT"

- **Matters that are "internal" & "integral to the culture" of a First Nation ie., internal governance, reserve lands, administration, delivery of services, culture**
- **Canada still retains ultimate control by defining the limits to what can be negotiated under each heading**

AREAS WHERE CANADA WILL DELEGATE

- **matters where Canada will not recognize any inherent right**
- **Canada will only delegate: First Nations must recognize paramount federal authority**
- **ie., taxation; trade & commerce; justice; gaming; fisheries; etc.**
- **Provinces get vetoes in their areas**

NON-NEGOTIABLES

- **Self determination**
- **Extinguishment & terra nullius**
- **Sovereignty, international treaty-making**
- **International trade, import & export;**
- **Trade & commerce**
- **Criminal law**
- **Fiscal policy**

obligations, while at the same time denying that they exist. Almost every actual or proposed amendment to the **Indian Act** since 1984 can be traced back to this central motivation on the part of Canada.

Canada has never undertaken broad-based discussion with the First Nations to reach agreement on the nature and scope of its fiduciary responsibilities. Instead, it has chosen to try and get rid of those duties before they are defined more clearly.

In its efforts to amend the Act since 1984, Canada has stressed its commitment to empowering First Nations and getting rid of an "offensive" and "paternalistic" piece of legislation. It has also stressed its commitment to "cooperative approaches" in "partnership" with the First Nations.

However, Canada has consistently chosen not to provide full disclosure of the material facts relating to its motivation for amending the Act. Some of these motives include:

- **shedding fiduciary and trust responsibilities.**
- **fiscal restraint and cutting the costs of Indian expenditures.**
- **reducing the burden of C-31 and now S-3 implementation.**
- **encouraging integration into the provincial mainstream.**
- **the imposition of taxation.**
- **diluting or neutralizing constitutional and treaty protections and obligations**.

Many First Nations are legitimately seeking changes to the restrictive legislative relationship that now exists with Canada. However, the evidence shows that Canada has in some cases used these sentiments to advance its agenda and objectives, picking and choosing what it wants to move on, without giving due weight to the full spectrum of First Nation views and priorities.

This is what the Liberal Party of Canada took advantage of in its 2015 Indigenous Election Platform.

DISCUSSIONS, NEGOTIATIONS, LEGISLATION 1995-2020

- **The federal "inherent right" policy is being applied by Canada at every discussion & negotiating table**
- **Canada's intention is to use negotiations to get First Nation's consent to a narrow definition of the nature & scope of Aboriginal & Treaty rights**
- **In the process, fiscal resources are capped or reduced**
- **Federal Crown abandons responsibility to ensure that needs are met without assuring adequate revenues for First Nations**

FEDERAL LEGISLATION OVER FIRST NATIONS & INDIGENOUS PEOPLES

- **Continue federal interference by legislating in areas that even Canada admits are internal to First Nations and integral to their culture**
- **ie., elections, lands, definition of "Band", child & family servies, languages**
- **Modify legislative base to facilitate 'inherent right' negotiations**
- **consolidate ultimate control of Ministers**
- **Use legislation to limit nature & scope of right: First Nations consent when they opt-into legislation**

WHITE PAPER 2.0—RIGHTS RECOGNITION FRAMEWORK

Since 2015, by co-opting our terminology like "Nation-to-Nation", "Reconciliation", "Decolonization", "Self-Determination" and making big promises the Trudeau government was able to operate in a secret, top-down manner using the **Assembly of First Nations** (**AFN**) and "partners", meaning Chiefs & Councils who are at federal discussion and negotiation tables, as a cover for their massive, unprecedented, one-sided changes to federal policies, laws & structure affecting First Nations.

In their first mandate (2015-2019), the Current Trudeau government:

- **Dissolved Department of Indian Affairs** & Created 2 New Departments for **Two-Track Pan-Indigenous Assimilation: TRACK ONE:** For **Indian Act** Bands, Metis & Inuit (Indigenous Services Department) until Financially Forced to sign onto Modern Termination Agreements, the moved to **TRACK TWO:** For compromised **4th Level "Indigenous Governments"** (First Nations, Metis, Inuit) who have already signed or may sign Modern Termination Agreements (Crown-Indigenous Relations, Northern Affairs Department).

- **Eliminate Existing Legal & Political Distinctions and Status** by financially coercing **Indian Act** Bands from Indigenous Nations to surrender First Nation sovereignty to Crown sovereignty and getting granted back from the Crown of far lesser, delegated rights, contained in the Modern Termination Agreements, thereby creating a "New Relationship" by joining the Canadian Federation as **4th Level Ethnic Minorities** (Indigenous-Canadians), lower in status than the federal, provincial, & Municipal Governments.

- **Imposed 10 Federal Principles In Negotiations to Recolonize** the Indigenous Nations, Band-by-Band, through Imposed Pre-Conditions to Negotiations in federal Policy & Law.

FEDERALLY CREATED NATIONAL FISCAL INSTITUTIONS

Once a First Nation has been added to the schedule of the First Nations Fiscal Management Act, it can begin working with any or all of the Federally created and controlled institutions established under the act:

The First Nations Tax Commission (FNTC) is a corporation that regulates the approval of property tax and new local revenue laws of participating First Nations, builds administrative capacity through sample laws and accredited training, and reconciles First Nation government and taxpayer interests.

The First Nations Financial Management Board (FNFMB) is a corporation used by the federal government to facilitate First Nations conformity with federal laws and policies in developing their local financial management regimes and provides independent certification to support borrowing from First Nations Finance Authority and for First Nations economic development.

The First Nations Finance Authority (FNFA) is a corporation that as part of the federal government's off-loading of fiduciary and Treaty responsibilities and obligations, permits qualifying First Nations to work co-operatively in raising long-term private capital at preferred rates through the issuance of bonds, and also provides investment services to First Nations.

Since 2006, 280 First Nations are scheduled to (or participating in) the FNFMA, and despite Canada controlling and managing options for economic development, more are asking to be added on a regular basis. 125 of these First Nations now collect tax under the FNFMA, 145 have had their financial performance certified by the First Nations Financial Management Board, 89 have qualified as borrowing members for purposes of First Nations Finance Authority borrowing.

- **Imposed 2 New Fiscal Relations Policies:** 1) One for **Indian Act Bands** (New 10 year, or less, Funding Grants) & 2) One for Federally "Recognized" **4th Level "Self-Governing First Nations"** (New Self-Government Fiscal Policy based on "Own Source Revenue" meaning Taxation).

While the Trudeau government stated in 2018 it was delaying its one size fits all pan-Indigenous (First Nations, Metis, Inuit) **"Rights Recognition" Framework Legislation** it has proceeded to implement the **White Paper 2.0 "Framework"** in separate components at different tables: 1) the "Recognition/Self-Determination" Tables; 2) The Modern Treaties Tables (only in eligible regions of Canada); 3) the Self-Government Tables and 4) through Alternative Legislation like the **First Nations Land Management Act** and **First Nations Fiscal Management Act**.

ASSIMILATION INTO CANADA'S PROPERTY & TAX SYSTEMS

The **First Nations Land Management Act** (**FNLMA**) and the **First Nations Fiscal Management Act** (**FNFMA**) is one component of a larger federal strategy to eliminate Indian Reserves and ultimately the **Indian Act** by financially convincing/coercing Bands into signing **4th Level Ethnic Municipal type** "Self-Government" Agreements or "Modern Treaties" involving the surrender (de facto extinguishment) of Aboriginal Title & Rights and coming under a new "self-government" funding policy that is based on "Own Source Revenue", which means all forms of Canadian taxation. See section 45(4) of the **FNLMA**.

The **FNLMA** adopts a corporate model for capitalizing on First Nation lands and resources. The **FNLMA** represents a fundamental change in the objectives of the land management regime on the reserve, where the land holdings are collective in nature.

If you look at the lists of Bands under both the **FNLMA** and the **First Nations Financial Management Act** (**FNFMA**) you will see many bands have opted out of the **Indian Act** and opted into both laws (**FNLMA & FNFMA**) to accept Canada's property and tax systems being applied to their people and their former Reserve land base.

ARTHUR MANUEL—SIX STEP PROGRAM TO DECOLONIZATION

STEP 1. The first step is a simple one and has been advocated by both the RCAP and the TRC: Formally denounce the racist doctrine of discovery and terra nullius as justification for settler presence on our lands, as well as any other doctrines, laws or policies that would allow you to address us on any other basis than nation to nation.

STEP 2. As part of the nation to nation negotiation you must, logically, recognize our right to self-determination, which is the essential decolonizing remedy to move Indigenous peoples from dependency to freedom.

STEP 3. Acknowledgement of our right to self-determination must be according to international human rights standards and include ecological and equitable development principles, Indigenous knowledge systems, laws, relationships to land, world views, technologies, innovations and practices and, of course, recognition and affirmation of our Aboriginal title and rights to the lands that the Creator has given each nation and which we have inhabited since time immemorial.

STEP 4. At this point we can finally sit down together for the long, grown-up talk about who we are and what we need, and who you are and what you need, and we can then begin to sort out the complicated questions about access to our lands and sharing the benefits. These talks can, indeed, lead to reconciliation, but only after our rights as title holders and decision makers on the land and our economic and cultural needs are met. We in turn will ensure that your very real human right to be here after four hundred years is respected and your economic and cultural needs are also met.

The People's Voice & Decision-Making About Land Rights & Self-Determination

For the people to be directly involved in decision-making involving Treaty and Inherent Title & Rights, the people need to be **INFORMED**. This is a key part of the **UN Declaration on the Rights of Indigenous Peoples** (**UNDRIP**) minimum standard where the **Free, Prior, INFORMED, Consent** of Indigenous Peoples is required when Indigenous lands, territories and resources are involved.

If our First Nations are to really and truly decolonize, we expect not only the Crown governments to implement the minimum Human Rights standards contained in the United Nations Declaration and the international right of self-determination. Our Chiefs and Councils also need to respect our Indigenous Peoples' right of self-determination!

ARTHUR MANUEL—SIX STEP PROGRAM TO DECOLONIZATION

STEP 5. Anything that we agree to in access and benefits must also include clear jurisdictional lines of authority based on the standard of free, prior and informed consent of Indigenous peoples and decision making that incorporates environmental reviews and oversight in accordance with Indigenous laws.

STEP 6. In concrete Canadian terms, Section 35 of the Canadian Constitution must be made to comply with Article 1 of the International Covenant on Civil & Political Rights/ International Covenant on Educational, Social & Cultural Rights and Article 3 of UNDRIP and all of the colonial laws must be struck from Canadian books, thereby implementing the Indigenous right to freely determine our own political status and freely pursue our economic, social and cultural development.

The **United Nations Declaration on the Rights of Indigenous Peoples** states:

Article 18
Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves ***in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions***. [emphasis added]

Indian "bands" and "band councils" are NOT "indigenous decision-making institutions," they are colonial institutions imposed by the government of Canada through its racist, colonial **Indian Act** under its **Constitution Act 1867**.

Indigenous First Nation governance, even where their traditional or hereditary systems of government are asleep or dormant, could be re-established as the original decision-making systems exercising modern legislative, executive and judicial roles outside of the racist, colonial **Indian Act** system.

Under the traditional/hereditary governance systems led by the People, the **Indian Act Chief and Council elective system** and band office can become an administrative body taking direction and receiving mandates from the original Indigenous authority, the rights holders, the People!

How this is done locally, regionally and within each Indigenous Nation needs to be discussed widely across Canada.

What is certain, is that by standing together and developing an Indigenous agenda based on our rights as set out under international law, we can advance our people much further than by passively accepting the federal government's watered down and self-serving version of our rights that the current AFN leadership and many **Indian Act** Band Councils seem prepared to accept.

We are told by governments, and too often by our own leadership, that there is no alternative to the cookie-cutter surrender of lands

LAND BACK: UNDRIP ARTICLES ON LAND RESTORATION & RESTITUTION

UNDRIP -Article 26:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

UNDRIP -Article 27:

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

UNDRIP -Article 28:

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

and resources provided at the existing government negotiation tables. The fact is, we do have another course of action, one that is supported by the International laws that recognize all peoples right of self-determination.

Our vision is to see First Nations protecting their traditional lands and waters by developing and implementing their own Self-Determination Plans for Community Development and Nationhood based on restoration of stolen lands, territories and resources, or restitution where lands and resources aren't returned.

All Indigenous Nations need to build the foundation of their Nationhood and **Free, Prior, INFORMED, Consent**, before they sit down with the federal, provincial and territorial governments to begin true negotiations.

WHAT CAN YOU DO?

STEP ONE: INFORM YOURSELF.

Find out if your community is at a "Recognition" or Termination Table (Self-Gov't, Land Claims). Find out what position (if any) your Chief & Council, Tribal Chair, Heads of First Nations Organizations, AFN Regional Vice-Chief, has taken on the federal First Nations Legislation and/or Termination Policies.

Get more information and read it. If you don't understand it find someone in your community who can help you understand it. Various First Nation organizations and Indigenous Activist Networks are giving out info on the threats these new federal laws/policies pose for First Nations peoples.

STEP TWO: ORGANIZE YOURSELF AND OTHERS. Start networking and dialoging among family members, other concerned community members and other First Nation citizens, communities and organizations about the impacts of the Termination legislation and/or policies.

Form working-groups, distribute the info by photocopying, faxing, e-mail or social media if you have access to it. Think about events to make your views known to the wider public, maybe fund-raisers to cover costs of activities.

LAND BACK!

In 1973, Prime Minister Pierre Trudeau unilaterally set out Canada's Land Claims Policies (Comprehensive & Specific)-We need return of stolen lands, territories & resources! These federal Land Claims policies are about ending our original connection to our lands.

The Provinces and Territories control most of the stolen lands, territories & resources and the federal government controls the rest. As the late Arthur Manuel used to say "i*f you add up all of the reserve lands in Canada it comes to 0.2%*" of Canada's land mass. The federal and provincial government's control the rest.

We've never had a say in Canada's unilateral Land Claims extinguishment/ surrender policies, and only a minimal say in the process. Even today these policies from 1973 are basically still the same as then--Justin Trudeau is implementing his father's Land Claims policies.

Canada's so-called 'Inherent Right' to "Self-Government" policy is the umbrella policy of the federal government and Land Claims falls underneath the "Self-Government" policy.

#LandBack will only happen if the grassroots peoples demand it and take action. Despite the problems with UNDRIP it does contain minimum international standards for land restoration and restitution if land is not restored!

Link up with non-First Nations allies/supporters where possible!

STEP THREE: PREPARE MATERIALS FOR MEDIA & PUBLIC DISTRIBUTION.
Try to get someone with media or public relations experience involved in helping to develop materials, or use materials and advice from other First Nations peoples and organizations. Prepare positive messages to counter the negative federal smear campaign underway; monitor and respond to negative and/or erroneous media reports; identify key spokespeople; develop media contacts; hold press briefings/conferences; don't forget to contact both Indigenous and non-Indigenous media to make yourself heard.

STEP FOUR: TAKE ACTION.
The exercise and assertion of Inherent Title & Rights and/or historic Treaty Rights is at the heart of a strategy. Being a collective right that lies with the Nation and the community, it is up to the people themselves to initiate actions which reflect the exercise of their rights to, and jurisdiction over, their lands, territories & resources.

When First Nations exercise their Inherent Title & Rights and/or historic Treaty Rights on the ground, it is likely that provincial and/or federal governments will drag First Nations, their communities, and their citizens, into court, probably through injunction proceedings.

The first step is to organize the People. This starts with the families and community, but if possible, First Na□on communities should try and work together with other communities at the level of an Indigenous Nation using proper spiritual & cultural protocols.

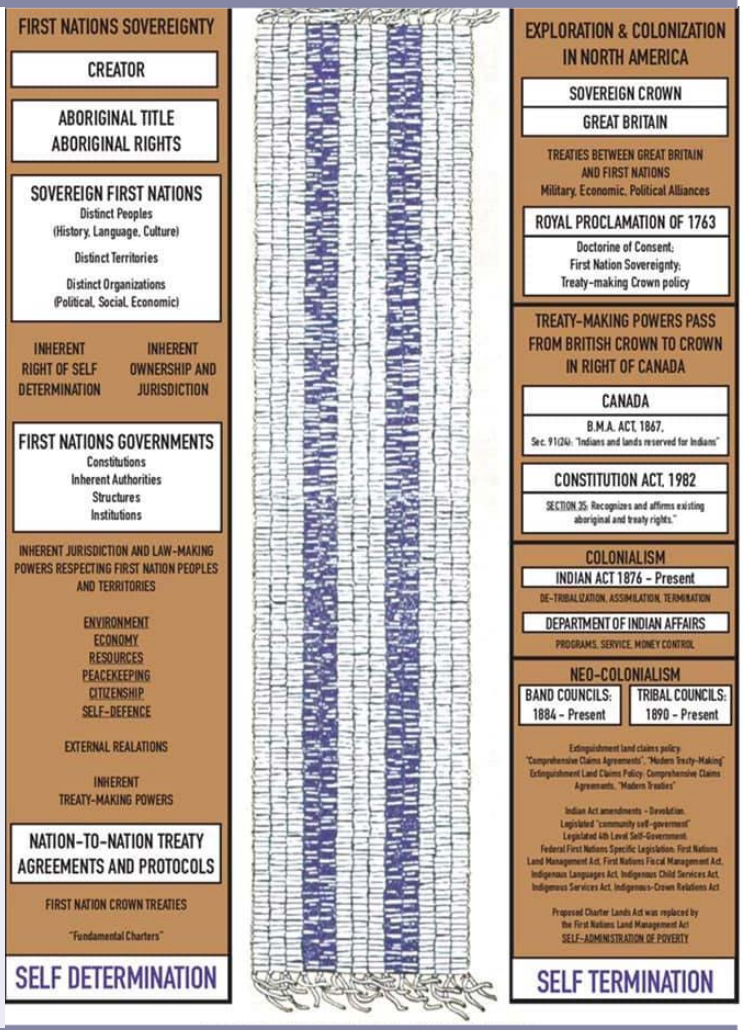
The next step involves planning and preparation, including the seeking consensus and authority from the Community or nation, physical setting, communication, media relations, security, interested 3rd parties, etc.

1969-2019 50th ANNIVERSARY OF WHITE PAPER

For the last 50 years the main goals of the **1969 White Paper on Indian Policy** have been implemented through components rather than as a package and over 5 decades rather than original 5 year plan!

- Prime Minister Justin Trudeau is implementing not only his father policies, but also those of Jean Chretien's, who was former Minister of Indian Affairs, Minister of Justice & as Prime Minister, Chretien implemented the White Paper goals by maintaining the Liberal's Land Claims Policies and imposing the 1995 so-called "Inherent Right" ethnic municipality Policy, as well as, the **First Nations Land Management Act** and the **First Nations Fiscal Management Act**!

- **As the late Arthur Manuel said: self-determination is the antidote to colonialism, so as the families and communities from the original Indigenous Nations, we need to mobilize, develop our own self-determination plans and take actions to resist Ottawa's long-standing Termination Plan!**



TRUTH BEFORE RECONCILIATION—PUBLIC EDUCATION & ADVOCACY

FOR MORE INFORMATION:

WWW.UNSETTLING150.CA

WWW.RUSSDIABO.COM

E-MAIL: RUSSDIABO@ROGERS.COM